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HOUSE BILL 775

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR A CERTIFICATE OF  
TITLE TO TRANSFER-ON-DEATH; IMPOSING A FEE; MAKING AN  
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 66, Article 3 NMSA  
1978 is enacted to read:

"~~[NEW MATERIAL]~~ TRANSFER-ON-DEATH--CERTIFICATE OF TITLE.--

A. A motor vehicle may be titled in transfer-on-  
death form by including in the certificate of title a  
designation of a beneficiary to whom the motor vehicle shall be  
transferred upon death of the owner or the last survivor of the  
joint tenant with right of survivorship owners, subject to the  
rights of all lien holders.

B. The transfer-on-death beneficiary shall have no

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1 interest in the motor vehicle until the death of the owner or  
2 the last survivor of the joint tenant with right of  
3 survivorship owners. During the time a beneficiary has no  
4 interest in the vehicle, the beneficiary shall not be liable  
5 for any damages resulting from negligent operation of the  
6 vehicle by another. A beneficiary designation may be changed  
7 at any time by the owner or all of the joint tenant with right  
8 of survivorship owners then surviving without the consent of  
9 the beneficiary by filing an application for a subsequent  
10 certificate of title.

11 C. Ownership of a motor vehicle titled in  
12 transfer-on-death form, for which an application for a  
13 subsequent certificate of title has not been filed, shall vest  
14 in the designated beneficiary on the death of the owner or the  
15 last of the joint tenant with right of survivorship owners,  
16 subject to the rights of all lien holders. A certificate of  
17 title in transfer-on-death form shall not be considered a  
18 testamentary disposition.

19 D. The fee to title a motor vehicle with a  
20 certificate of title in transfer-on-death form is twenty  
21 dollars (\$20.00), which shall be collected by the department  
22 and shall be in addition to other fees and penalties provided  
23 by law. The fees collected pursuant to this section are  
24 appropriated to the motor vehicle division of the taxation and  
25 revenue department to defray the costs of upgrading and

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1 maintaining computer systems and equipment."

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